

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3  
4 UNITED STATES OF AMERICA,

5 Plaintiff,

Criminal Action  
No. 16-CR-10343-ADB

6 v.

January 17, 2019  
Pages 1 to 48

7 MICHAEL J. GURRY, RICHARD M.  
8 SIMON, SUNRISE LEE, JOSEPH A.  
ROWAN, and JOHN KAPOOR,

9 Defendants.  
10

11  
12 TRANSCRIPT OF JURY TRIAL - DAY 1  
13 BEFORE THE HONORABLE ALLISON D. BURROUGHS  
14 UNITED STATES DISTRICT COURT  
JOHN J. MOAKLEY U.S. COURTHOUSE  
15 ONE COURTHOUSE WAY  
BOSTON, MA 02210  
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23 JOAN M. DALY, RMR, CRR  
24 Official Court Reporter  
John J. Moakley U.S. Courthouse  
One Courthouse Way, Room 5507  
Boston, MA 02210  
25 joanmdaly62@gmail.com

## 1 APPEARANCES:

## 2 FOR THE GOVERNMENT:

3 FRED WYSHAK  
4 K. NATHANIEL YEAGER  
5 DAVID G. LAZARUS  
6 Assistant U.S. Attorneys  
7 United States Attorney's Office  
8 John Joseph Moakley Federal Courthouse  
9 1 Courthouse Way  
10 Suite 9200  
11 Boston, Massachusetts 02210  
12 617.748.3100  
13 fred.wyshak@usdoj.gov  
14 nathaniel.yeager@usdoj.gov  
15 david.lazarus2@usdoj.gov

## 16 FOR THE DEFENDANT MICHAEL J. GURRY:

17 TRACY A. MINER  
18 MEGAN A. SIDDALL  
19 Demeo LLP  
20 200 State Street  
21 Boston, Massachusetts 02109  
22 617.263.2600  
23 tminer@demeollp.com  
24 msiddall@demeollp.com

## 25 FOR THE DEFENDANT RICHARD M. SIMON:

STEVEN TYRRELL  
Weil, Gotshal & Manges LLP  
100 Federal Street  
Boston, Massachusetts 02110  
617.772.8365  
steven.tyrrell.com

1     APPEARANCES (continued):

2     FOR THE DEFENDANT SUNRISE LEE:

3             PETER C. HORSTMANN  
4             Law Offices of Peter Charles Horstmann  
5             450 Lexington Street  
6             Suite 101  
7             Newton, Massachusetts 02466  
8             617.723.1980  
9             pete@horstmannlaw.com

10     FOR THE DEFENDANT JOSEPH A. ROWAN:

11             MICHAEL KENDALL  
12             ALEXANDRA I. GLIGA  
13             White & Case, LLP  
14             75 State Street  
15             Boston, Massachusetts 02109  
16             617.939.9310  
17             michael.kendall@whitecase.com  
18             alexandra.gliga@whitecase.com

19     FOR THE DEFENDANT JOHN KAPOOR:

20             BETH WILKINSON  
21             KOSTA S. STOJILKOVIC  
22             Wilkinson Walsh Eskovitz  
23             2001 M Street NW  
24             Washington, D.C. 20036  
25             202.847.4000  
              bwilkinson@wilkinsonwalsh.com  
              kstojilkovic@wilkinsonwalsh.com

              AARON M. KATZ  
              BRIEN T. O'CONNOR  
              Ropes & Gray  
              Prudential Tower  
              800 Boylston Street  
              Boston, Massachusetts 02199  
              617.951.7385  
              aaron.katz@ropesgray.com  
              boconnor@ropesgray.com

P R O C E E D I N G S

(The following proceedings were held in the Jury Lounge before the Honorable Allison D. Burroughs, United States District Judge, United States District Court, District of Massachusetts, at the John J. Moakley United States Courthouse, One Courthouse Way, Boston, Massachusetts, on January 17, 2018.)

THE CLERK: All rise. Court is now in session. Please be seated. This is criminal matter 16-10343, United States versus Michael Gurry, et al. Will counsel identify yourselves for the record.

MR. WYSHAK: Fred Wyshak for the United States.

MR. YEAGER: Good morning. Nat Yeager for the United States.

MR. LAZARUS: Good morning. David Lazarus for the United States.

MS. WILKINSON: Good morning. Beth Wilkinson for Dr. John Kapoor.

MR. STOJILKOVIC: Good morning. Kosta Stojilkovic also for Dr. Kapoor.

MR. KATZ: Good morning. Aaron Katz for Dr. Kapoor.

MR. TYRRELL: Good morning. Steven Tyrrell for Richard Simon.

MS. MINER: Good morning. Tracy Miner for the

1 defendant Michael Gurry.

2 MS. SIDDALL: Good morning. Megan Siddall also  
3 representing Mike Gurry.

4 MR. KENDALL: Good morning. Mike Kendall and  
5 Alexandra Gliga for Mr. Rowan.

6 MR. HORSTMANN: Good morning. Pete Horstmann for  
7 Sunrise Lee.

8 THE COURT: Good morning, ladies and gentlemen. We  
9 have a full house here this morning. My name is Allison  
10 Burroughs. I am the judge assigned to preside over this  
11 session for the United States District Court for the District  
12 of Massachusetts, it is my pleasure to welcome you here on  
13 behalf of the court as potential members of our jury.

14 I understand that you have seen a video this  
15 morning that explains something of the process that we're  
16 going to go through this week. I'm going to add a few words  
17 of explanation of my own. I apologize if I repeat some  
18 things that you have already seen on the video or that you  
19 may already know.

20 Let me start off by telling you what kind of case  
21 this is because I'm sure many of you are probably curious  
22 about that. This is a criminal case. There are five  
23 defendants, each of whose counsel is here today. The  
24 defendants, Michael Gurry, Richard Simon, Sunrise Lee, Joseph  
25 Rowan and John Kapoor all held management positions at a

1 pharmaceutical company called Insys Therapeutics,  
2 Incorporated, which developed and sells a fentanyl spray  
3 called Subsys that has been approved by the FDA for certain  
4 medical issues.

5           They are charged in engaging in a racketeering  
6 conspiracy through bribes, fraud, and the illicit  
7 distribution of Subsys. Those of you who are chosen as  
8 jurors will be told later what the precise charge is and what  
9 the government will have to prove beyond a reasonable doubt  
10 in order for you to convict any of the defendants. But I  
11 want to emphasize that the charges in this case are only  
12 accusations. They are not evidence of guilt.

13           The defendants have all pleaded not guilty and are  
14 presumed innocent unless and until the government proves  
15 their guilt beyond a reasonable doubt as determined by a  
16 unanimous jury. These two concepts, the presumption of  
17 innocence and the requirement of much proof beyond a  
18 reasonable doubt, are bedrock principles of our system of  
19 justice and are fundamental rights not just of the defendants  
20 in this case but of all people in it country.

21           Now, many of you are probably nervous or interested  
22 about the possible commitment of time that may be required of  
23 you if you are selected. So let me talk about that next.  
24 The lawyers expect that this case will take about 14 weeks to  
25 try. We will generally sit from 10:00 in the morning until

1 4:00 in the afternoon with a lunch break and a short  
2 afternoon break. On some days, and I would guess at least  
3 one time each week, we will sit from 9 in the morning to 1 in  
4 the afternoon with a short morning break. You probably heard  
5 about the importance of jury service from the video, but I  
6 want to add a few thoughts of my own.

7 Our jury system goes back at least 800 years to  
8 England and the time of middle ages. Although much has  
9 changed since then, the idea is essentially the same. No  
10 person can be convicted of a serious crime except upon the  
11 unanimous vote of a jury made up of ordinary persons. The  
12 founders of our nation believe the right to a jury was so  
13 important that they put it in the Constitution and the Bill  
14 of Rights.

15 Juries have always been composed of ordinary  
16 citizens taken from all walks of life each of whom brings  
17 their own individual perspective and life experience to the  
18 table. You don't have to have any particular education or  
19 experience. What is truly important is that you take your  
20 responsibilities seriously and that you exercise your  
21 authority to the best of your ability.

22 The quality of justice in the United States depends  
23 on the good judgment and common sense of ordinary citizens.  
24 Trial by jury is not necessarily the most efficient way to  
25 decide whether someone should be convicted of a crime. In

1 some ways it's old-fashioned, but there are things more  
2 important than efficiency. And the protection of our rights  
3 is one of them. We enjoy a great many rights and freedoms in  
4 this country, and probably all of us take some of them from  
5 granted from time to time. Sometimes we have to be reminded  
6 what those rights are and why they're important.

7 The jury is one of the most basic protectors of our  
8 freedom. It is fundamental to our system of justice. It is  
9 both an obligation of citizenship but also an honor and  
10 privilege to serve. If you're selected to serve, I hope that  
11 you will exercise your duties responsibly, solemnly and in  
12 accordance with the law.

13 You should not, however, assume that your service  
14 will be burdensome. I speak to all jurors at the end of all  
15 cases, and many jurors tell me that it turns out to be one of  
16 the most interesting and rewarding experiences of their  
17 lives.

18 Now I want to tell you how we're going to select a  
19 jury. The parties have a right to a jury in this case that  
20 can sit and decide this matter fairly and impartially. That  
21 is, both sides are entitled to a jury that does not have its  
22 mind made up one way or another about any of the issues in  
23 this case before they hear the evidence and have been  
24 instructed by me to begin deliberations.

25 We are looking for jurors who will hear the



1 evidence in this case and decide its outcome without bias in  
2 favor of or prejudice against either side, any witness, or  
3 any material matter and who will base any verdict in this  
4 case on the evidence presented during the course of the trial  
5 and the law as I give it to you and not on anything you may  
6 have heard or read or experienced outside the courtroom.

7 As I mentioned, this case involves an alleged  
8 racketeering conspiracy involving a prescription fentanyl  
9 spray called Subsys. Fentanyl is an opioid. The issue here  
10 is not whether you like or dislike or have any particular  
11 views about opioids. The issue is whether you can fairly and  
12 impartially determine whether the government has proved that  
13 any of these defendants have violated the criminal RICO  
14 racketeering statute as alleged in the indictment.

15 Your job, if you're selected for jury service in  
16 this case, will be to decide the case based on the evidence  
17 admitted in this case and the law as I give it to you. The  
18 purpose of this jury selection is to find a jury that can do  
19 that. It is a fundamental principle of our justice system  
20 that the defendants are presumed to be innocent, and our  
21 purpose today is to select a jury that comes to this trial  
22 without any bias as to each side and who will decide this  
23 case fairly based solely on the evidence during the course of  
24 the trial and the law as I explain it to you.

25 To obtain a fair jury, we have a selection process

1 that we will soon begin. Today you will fill out a written  
2 questionnaire. This process is not meant to be intrusive.  
3 Its important purpose is to ensure that the parties have a  
4 fair and impartial jury to hear this case. Your answers to  
5 both the written questionnaire and my follow up questions  
6 next week must be under oath. In other words, you must swear  
7 that your answers are truthful.

8 It's very important that you give truthful  
9 responses. So I'm going to ask Karen to swear the jury pool  
10 and we'll begin the selection process.

11 THE CLERK: Can you please stand and raise your  
12 right hand.

13 (Jury Panel duly sworn by the Deputy Clerk.)

14 THE CLERK: Thank you. You may be seated.

15 THE COURT: All right. What I'm going to do first  
16 is I'm going to ask each of the lawyers to identify him or  
17 herself, the firm that they work for and tell you again whom  
18 they represent. Once they have done that, I am going to ask  
19 if any of you know any of these lawyers or have been  
20 represented by any of them or their law firms. So let's  
21 start. Want to start over here?

22 MR. WYSHAK: Good morning. My name is Fred Wyshak,  
23 and I represent and the United States.

24 THE COURT: Here. Come back over here so they can  
25 hear you better.

1           MR. WYSHAK: Good morning. My name is Fred Wyshak,  
2 and I represent the United States.

3           MR. YEAGER: Good morning. My name is Nat Yeager,  
4 and I also represent the United States.

5           MR. LAZARUS: Good morning, ladies and gentlemen.  
6 My name is David Lazarus, and I too represent the United  
7 States.

8           THE COURT: All right. Let's switch sides.

9           MS. WILKINSON: Good morning. My name is Beth  
10 Wilkinson, and I'm with the firm Wilkinson Walsh and  
11 Eskovitz, and I represent John Kapoor.

12           MR. STOJILKOVIC: Good morning, folks. My name is  
13 Kosta Stojilkovic with the same firm of Wilkinson, Walsh and  
14 Eskovitz, and I also represent Kapoor.

15           MR. KATZ: Good morning. My name is Aaron Katz.  
16 I'm with the law firm of Ropes & Gray, and I also represent  
17 Dr. John Kapoor.

18           MR. TYRRELL: Good morning again, ladies and  
19 gentlemen. My name is Steven Tyrrell. I'm with the firm of  
20 Weilm Gotshal & Manges. I represent Richard Simon, and I'll  
21 be joined at the trial by my colleague Patrick O'Toole.

22           MS. MINER: Good morning, ladies and gentlemen. My  
23 name is Tracy Miner of the law firm of Demeo LLP in Boston,  
24 and I have the privilege of representing Mike Gurry.

25           MS. SIDDALL: Good morning, ladies and gentlemen.

1 My name is Megan Siddal. I'm also from Demeo LLP on behalf  
2 of Mike Gurry.

3 MR. KENDALL: Good morning, everyone. My name is  
4 Mike Kendall. I'm going to be trying the case along with my  
5 colleague Alexandra Gliga and an intern named Larissa Brito  
6 de Senna, and we work for the law firm of White & Case.  
7 Thank you.

8 MR. HORSTMANN: Good morning again, ladies and  
9 gentlemen. My name is Peter Horstmann. I represent Sunrise  
10 Lee. I may be joined from time to time by an associate  
11 counsel by the name of Anthony Manieri. Thank you.

12 THE COURT: Okay. Now, any of you please raise  
13 your hands if you think you know any of these lawyers or have  
14 been represented by them or by their law firm. Hold on.  
15 One, two, three, four of you. In a minute I'm going to have  
16 the four of you come up here and talk to me privately. I  
17 want you to remember if you've raised your hand. Okay? All  
18 right. All right.

19 Next we are going to have you fill out  
20 questionnaires. It looks like you already have the  
21 questionnaires in front.

22 MR. McALEAR: Not yet.

23 THE COURT: No. Jim is going to pass out the  
24 questionnaires. The first two pages are instructions about  
25 how to fill out the questionnaire. So you'll read those.

1 But basically you need to fill out the form -- this is what  
2 the instructions say. You will need to fill out the form  
3 without consulting anyone. If you don't know the answer to a  
4 question, don't understand it or for some reason are  
5 uncomfortable answering it, you should note that on the form.

6 You need to write legibly and only on the front  
7 side of pages. You'll see there's a blank page at the end in  
8 case you need to go over the space that's allocated on the  
9 page. If you use that blank page, please make sure to  
10 include the number of the question that you're writing about  
11 on the blank page so we can figure out what answer it is.

12 Once you answer all of the questions, you'll go to  
13 the last page of the form which will require you to sign and  
14 date the form, certifying you've answered the questions  
15 honestly and to the best of your ability. Some of the  
16 questions have to do with your ability to serve on a jury for  
17 a case this long and whether it would be a hardship. We  
18 understand that being a juror can be an inconvenience, but a  
19 hardship is something well beyond an inconvenience.

20 Once you have finished the form you will give it  
21 back to the jury people here, Jim and his folks. They have  
22 or will give you instructions about when to call in to see  
23 when you need to come back to the courthouse. They're here  
24 to help you. If you have any questions, I'm sure they'll be  
25 able to help you out. We will see most of you again. In the

1 meantime, thank you for coming. I'm going to speak to the  
2 four jurors that raised their hands, and then we're going to  
3 leave you to fill out the questionnaires, and we'll see you  
4 back next week.

5 Those of you that are selected for this jury will  
6 soon figure out that every time I address you as a group, I  
7 have to give the lawyers a chance to tell me if I missed  
8 anything or misstated anything or need to add anything to my  
9 explanation. Before we talk to the four people that raised  
10 their hand, is there anyone that thinks -- anybody?

11 MR. WYSHAK: No, Your Honor.

12 THE COURT: Okay. So Jim is going to pass out the  
13 questionnaires. Except the four of you have that raised your  
14 hand, can you come on up.

15 You raised your hand that you know one of these  
16 lawyers.

17 THE JUROR: I work for Ropes & Gray. I didn't know  
18 if that counted. I'm an accountant. I'm not a lawyer. I'm  
19 an accountant. So I sit on the second floor away from  
20 everyone.

21 THE COURT: Do you have a juror number?

22 THE JUROR: It's 101854068.

23 THE COURT: You can take your seat.

24 MR. KENDALL: That's no problem, Fred.

25 THE COURT: Do you want to let her go?

1 MR. WYSHAK: Yes.

2 THE COURT: She's excused. I wrote down the  
3 number. She doesn't need to fill out the form. Okay.

4 Hi. You raised your hand about knowing one of  
5 these lawyers.

6 THE JUROR: I don't know him personally, but I've  
7 worked for the law firm, Ropes & Gray.

8 THE COURT: Do you work for them now?

9 THE JUROR: I don't.

10 THE COURT: What did you do?

11 THE JUROR: I worked in practice acquisition,  
12 employment law, and we had retained them as representing our  
13 firm.

14 THE COURT: Where do you work.

15 THE JUROR: New Hampshire Massachusetts Dental  
16 Practice and they represent --

17 THE COURT: You're a dentist?

18 THE JUROR: Correct.

19 THE COURT: They have represented you?

20 THE JUROR: Employment law and our practice  
21 acquisitions.

22 THE COURT: Do they still represent you?

23 THE JUROR: No.

24 THE COURT: How long ago did they represent you?

25 THE JUROR: Two years ago.

1 THE COURT: Why don't you give me your juror number  
2 as well if you have it.

3 What's your view?

4 MR. WYSHAK: Probably should let him go. Has a  
5 business relationship.

6 THE COURT: Former relationship. What is your  
7 position?

8 MR. KATZ: It's a totally separate practice.  
9 Obviously it's up to Your Honor.

10 THE COURT: He might sort of interview Ropes & Gray  
11 for credibility.

12 Not the summons. Do you have another piece of  
13 paper?

14 MS. MINER: It might be the 101 number in front.

15 THE COURT: Thank you. 101836373. I'm going to  
16 let him go. He can go, too, Karen. Next.

17 THE JUROR: Good morning.

18 THE COURT: How are you?

19 THE JUROR: I'm good.

20 THE COURT: You raised your hand that you know one  
21 of these lawyers.

22 THE JUROR: Actually Demeo Associates I heard.  
23 Joseph Demeo is a very close personal friend. I didn't know  
24 if that had any sort of --

25 MS. MINER: He's the named partner in our firm.



1 THE COURT: Do you have your juror number with you?

2 THE JUROR: Yes, I do. I wrote it down. I don't  
3 have the sheet. 101843232.

4 THE COURT: Okay. Thanks very much.

5 THE JUROR: Thank you.

6 THE COURT: He's gone, too.

7 How are you?

8 THE JUROR: Good, thank you.

9 THE COURT: Do you know one of these lawyers?

10 THE JUROR: I don't know any of the lawyers. But I  
11 was represented, involved with Ropes & Gray a number of years  
12 ago. I was a graduate student at Brandeis. And one of the  
13 professors had been accused of inappropriate behavior with an  
14 undergraduate, and he had been inappropriate with me. But I  
15 went later, and I was 30, and I said get away from me, among  
16 other things.

17 THE COURT: Good for for you.

18 THE JUROR: I didn't have a problem, but he then  
19 was -- he wasn't fired, but he was put on leave. And I don't  
20 know what happened to him eventually. But I had to be  
21 interviewed. I brought actually a friend of mine who is a  
22 lawyer with me to the interview. That's my contact with  
23 Ropes & Gray.

24 THE COURT: Which one of those people was from  
25 Ropes & Gray? The person that went with you or the person

1 that interviewed you?

2 THE JUROR: The person that interviewed me. Ropes  
3 & Gray was representing Brandeis. So I was part of that.

4 THE COURT: How long ago was that?

5 THE JUROR: Probably 1980.

6 THE COURT: Is there anything about that experience  
7 that you think would affect your ability to listen to all the  
8 lawyers fairly in this case?

9 THE JUROR: No, I don't think there is. But I did  
10 have contact, so I figured I'd better say something.

11 THE COURT: Okay. Can I have your juror number,  
12 that 101 number. 101839416. You can take your seat. Thank  
13 you.

14 MR. WYSHAK: She's fine.

15 THE COURT: She's fine. Next one, Karen.

16 Hi. You raised your hand about knowing one of  
17 these lawyers or being represented by their firm?

18 THE JUROR: The firm of Ropes & Gray has served as  
19 bond counsel for a former employer of mine.

20 THE COURT: Did you have direct interaction  
21 yourself with the lawyers of Ropes & Gray?

22 THE JUROR: Yes. With the attorneys.

23 THE COURT: What kind of job were you in?

24 THE JUROR: Municipal finance.

25 THE COURT: Are you a lawyer or not a lawyer?

1 THE JUROR: No.

2 THE COURT: You're no longer in that job?

3 THE JUROR: Not with that employer. In the same  
4 line of work.

5 THE COURT: How long ago did you leave that  
6 employer?

7 THE JUROR: 13 years ago.

8 THE COURT: How much contact did you have with  
9 Ropes & Gray during the time that you were there?

10 THE JUROR: Well, multiple times a year. Probably  
11 not monthly, but maybe once a quarter.

12 THE COURT: It was a long time ago and they're a  
13 former employer. Was there anything about your interaction  
14 with Ropes & Gray attorneys that you think you would view  
15 what they say with more or less credibility than any other  
16 lawyer here?

17 THE JUROR: No. Not necessarily. They did a good  
18 job.

19 THE COURT: All of these lawyers are going to do a  
20 good job.

21 THE JUROR: I understand that.

22 THE COURT: Do you start off with any  
23 predisposition in favor of the Ropes & Gray attorney versus  
24 any other attorney? You could listen to all the evidence  
25 fairly regardless of who is asking the question?

1 THE JUROR: Yes.

2 THE COURT: Thanks very much. You can take your  
3 seat. I'm sorry. I need your juror number.

4 THE JUROR: 101831839.

5 THE COURT: She's okay, right?

6 MR. WYSHAK: Yes.

7 THE COURT: She's fine. The last two are fine.  
8 The first three are gone, and the last two are fine. Why is  
9 this line getting longer?

10 MS. MINER: It keep growing.

11 THE JUROR: Hi. Good morning.

12 THE COURT: You know one of these lawyers or been  
13 represented by their firm?

14 THE JUROR: I don't know any of these lawyers  
15 personally, but I work for Microsoft. And Ropes & Gray is a  
16 customer of ours, and I work very closely with our customers  
17 here in the Boston area on a regular basis.

18 THE COURT: When you say you "work closely".

19 THE JUROR: Our account teams that represent the  
20 accounts of which Ropes & Gray is one.

21 THE COURT: Do you have interaction with Ropes &  
22 Gray attorneys yourself?

23 THE JUROR: Not directly, no.

24 THE COURT: Who are your contacts with? Not by  
25 name but by position.

1           THE JUROR: I work for Microsoft Corporation. We  
2 have an account team that represents the work that we do  
3 together with Ropes & Gray. I have specialize in artificial  
4 intelligence. There's a lot of AI going on in professional  
5 services and legal space. So I'm a little concerned about  
6 the conflict of interest given that they are a customer.

7           THE COURT: Okay. Why don't you -- first let me  
8 have your juror number. Come over here so Joan gets it.

9           THE JUROR: 101839301.

10          THE COURT: Just step back for a second.

11          MR. WYSHAK: I think if there's a current business  
12 relationship.

13          MS. WILKINSON: I think she should go. She said it  
14 herself.

15          THE COURT: Yes.

16                You know one of these lawyers or their law firm?

17          THE JUROR: Not very well, but I believe I went to  
18 college with Mr. Lazarus and we may have some mutual friends.

19          THE COURT: Did he go to college?

20          MS. WILKINSON: Typically. He knows who you are.

21          THE COURT: Do you know her?

22          MR. LAZARUS: It's been a long time, but she looks  
23 familiar.

24          THE COURT: I hate to ask you, but when did you  
25 graduate from college?

1 THE JUROR: 1999.

2 THE COURT: What college did you go to?

3 THE JUROR: Colgate.

4 THE COURT: My niece just graduated from Colgate.

5 The important part of this is that you be able to listen to  
6 what all the lawyers say with the same kind of fairness. Do  
7 you think that if it's coming out of Mr. Lazarus' mouth that  
8 you would give it credibility beyond what you would give to  
9 what comes out of the mouth of any of these other lawyers?

10 THE JUROR: I still think I could probably be fair.

11 THE COURT: You think you could probably be fair.  
12 I need to push you a little harder on that. It doesn't sound  
13 like you guys really know each other.

14 THE JUROR: Not real well, no.

15 THE COURT: When you say you have mutual friends,  
16 are these people that you see a lot?

17 THE JUROR: Couple times a year.

18 THE COURT: Do you think if you're chosen for this  
19 jury in this case you could -- you wouldn't need to avoid  
20 seeing those people, but you would need to avoid talking  
21 about the case.

22 THE JUROR: Okay.

23 THE COURT: Have you had any interaction with him  
24 since you graduated?

25 THE JUROR: No.

1 THE COURT: Why don't you go ahead and step back.  
2 I need her jury number.

3 THE JUROR: 101841488.

4 MR. TYRRELL: Can we ask Mr. Lazarus how he behaved  
5 in college?

6 THE COURT: He has no idea who she is.

7 MR. LAZARUS: We can excuse her.

8 MR. KENDALL: Your Honor, it's a small school.  
9 It's an intimate, friendly school.

10 THE COURT: He has no idea who she is.

11 MR. HORSTMANN: Don't answer any of these  
12 questions.

13 MR. TYRRELL: I think he does.

14 MS. WILKINSON: He wishes he didn't.

15 THE COURT: She can be excused. We'll excuse her  
16 because she knows some of these other people well. Why did  
17 four people raise their hand?

18 THE JUROR: Good morning.

19 THE COURT: Do you know one of these lawyers or  
20 their law firm?

21 THE JUROR: I don't know these lawyers personally,  
22 but my brother-in-law works as an Assistant U.S. Attorney,  
23 and I believe it's in this division.

24 THE COURT: What's his name?

25 THE JUROR: Bill Brady, William Brady.

1 MR. YEAGER: I'm his boss.

2 THE COURT: He's the boss man. Boss man and boss  
3 baby. She is 101857225. Thanks very much.

4 THE JUROR: Thank you.

5 THE COURT: She's gone.

6 Good morning. Let's get her number first since she  
7 just handed it to me. It's 101859670. Here you go. And you  
8 know one of these lawyers or their law firm?

9 THE JUROR: My sister-in-law works in this building  
10 as a federal prosecutor. She does wiretapping and vice and  
11 drugs.

12 THE COURT: Who is she?

13 THE JUROR: Ann Taylor.

14 THE COURT: I knew you were going to say that.

15 THE JUROR: I wasn't sure. It seemed like it might  
16 be relevant.

17 THE COURT: She's gone.

18 THE JUROR: Hi.

19 THE COURT: Give me your number. 101847856.

20 THE JUROR: You had mentioned if I've ever een  
21 represented by any of the law firms but I recognize them.  
22 Ropes & Gray, I know a number of people that work there. I  
23 don't know if that means anything. But Demeo, is it Demeo  
24 and Associates?

25 THE COURT: Yes.



1 THE JUROR: I managed the building they reside in.

2 MS. MINER: At 200 State?

3 THE JUROR: No. Lewis Wharf.

4 MS. MINER: The prior location.

5 THE COURT: Are you a lawyer?

6 THE JUROR: No.

7 THE COURT: When you say you know people at Ropes &  
8 Gray.

9 THE JUROR: I know people who work there just from  
10 clients.

11 THE COURT: And you managed their former office  
12 space?

13 THE JUROR: Yeah.

14 THE COURT: The question is, these relationships  
15 with people that work at Ropes & Gray are all in your  
16 professional capacity.

17 THE JUROR: Right.

18 THE COURT: It's not personal? You don't  
19 socialize?

20 THE JUROR: No.

21 THE COURT: The question is, I guess depending on  
22 whether they're good tenants or bad tenants, but the question  
23 is Ropes & Gray is obviously going to do some of the talking  
24 here, but there's a lot of other lawyers that are going to do  
25 talking from both sides of the fence. The question is

1 whether you would give any additional credibility to  
2 something just because it came out of the mouth of a Ropes &  
3 Gray lawyer.

4 THE JUROR: I don't think so. I'm more wanted to  
5 just disclose that, I guess. I'll write it on my form.

6 THE COURT: You did the right thing to come up.  
7 You can take your seat. Why does this line keep growing?  
8 He's fine, right?

9 MR. WYSHAK: Yes.

10 THE JUROR: Hello.

11 THE COURT: As long as you have that in your hand,  
12 let's get your number. He is 101863048. How come we start  
13 off with four, and you're number 11?

14 THE JUROR: Sorry. Clarifying question.

15 THE COURT: Lucky number 11.

16 THE JUROR: This is a clarifying question. When  
17 you say know the lawyers, is it awareness of them in a high  
18 profile case, having known that they represented a defendant  
19 in a high profile case as far as knowing them?

20 THE COURT: Flesh that out for me.

21 THE JUROR: I'm just aware that one of the lawyers  
22 represented a high profile person.

23 THE COURT: Which lawyer?

24 THE JUROR: Ms. Miner.

25 THE COURT: Represented who?

1 THE JUROR: John Connolly.

2 THE COURT: The question is there's going to be a  
3 lot of lawyers speaking in this case, a lot of voices.  
4 You're supposed to start off with a neutral slate. You're  
5 not supposed to accept something as it comes out of Ms.  
6 Miner's mouth or reject it just because it comes out of  
7 Mr. Kendall's mouth. Obviously if she was related to you,  
8 you might take what she says as more credible than what comes  
9 out of a stranger's mouth.

10 So because you have read her name in the newspaper  
11 and know that she's represented someone, at least one high  
12 profile client, would you evaluate what she says any  
13 differently than you would evaluate what any of the other  
14 lawyers say.

15 THE JUROR: No.

16 THE COURT: Okay. Thanks very much.

17 MR. WYSHAK: Can I ask a question. Does he know  
18 Connolly? Is he from South Boston?

19 THE COURT: I don't think he knows Connolly, but  
20 the geography we'll sort out on his questionnaire.

21 Come back forward. The Connolly case, were you  
22 following it for any particular reason or are you just a  
23 newspaper reader?

24 THE JUROR: Newspaper reader.

25 THE COURT: Do you know John Connolly?

1 THE JUROR: I don't know him personally.

2 THE COURT: Did you know anybody associated with  
3 that case?

4 THE JUROR: No, I did not.

5 MR. WYSHAK: Okay. That's fine.

6 THE COURT: That's what your peremptories are for.

7 MR. KENDALL: He didn't know you, Fred.

8 THE COURT: We're done. We're going to leave, Jim.

9 MR. McALEAR: Thank you, Your Honor.

10 (End of session.)

11 \*\*\*\*\*

12 THE CLERK: All rise. Court is now in session.

13 This is criminal matter 16-10343, United States versus  
14 Michael Gurry. Will counsel identify yourselves for the  
15 record.

16 MR. WYSHAK: Fred Wyshak for the United States.

17 THE CLERK: You can be seated. Sorry.

18 MR. LAZARUS: Good afternoon, everybody. I'm David  
19 Lazarus also on behalf of the United States.

20 MR. YEAGER: Good afternoon. Nat Yeager also for  
21 the United States.

22 MS. WILKINSON: Hello. I'm Beth Wilkinson on  
23 behalf of John Kapoor.

24 MR. STOJILKOVIC: Good afternoon. Kosta  
25 Stojilkovic also on behalf of John Kapoor.

1           MR. KATZ: Good afternoon. Aaron Katz on behalf of  
2 John Kapoor.

3           MR. TYRRELL: Good afternoon. I'm Steven Tyrrell,  
4 and I represent Richard Simon.

5           MS. MINER: Good afternoon. Tracey Miner on behalf  
6 of Michael Gurry.

7           MS. GLIGA: Good afternoon. I am Alexandra Gliga  
8 and together with Mike Kendall we represent Joseph Rowan.

9           MR. HORSTMANN: Pete Horstmann on behalf of Sunrise  
10 Lee.

11           THE COURT: Good afternoon, ladies and gentlemen.  
12 My name is Allison Burroughs. I'm the judge assigned to  
13 preside over this session of the United States District Court  
14 for the District for the District of Massachusetts. It's my  
15 pleasure to welcome you on behalf of the Court as potential  
16 members of our jury.

17           You were supposed to have seen a videotape before  
18 you sat down this morning. In the interest of time, you have  
19 not seen a videotape. You may see it later on in these  
20 proceedings. This video will indicate what your  
21 responsibilities as a juror were. So normally I say, I know  
22 you've seen the video, and I apologize if I'm going to repeat  
23 some of what you already saw.

24           Now, for the first time ever, I'm not at risk of  
25 repeating myself. So I'm going to begin by telling you what

1 kind of case this is because I'm sure that many of you are  
2 curious about that.

3 It is a criminal case. There are five defendants  
4 each of whose counsel is here today. The defendants, Michael  
5 Gurry, Richard Simon, Sunrise Lee, Joseph Rowan and John  
6 Kapoor all held management positions at a pharmaceutical  
7 company called Insys Therapeutics, Incorporated, which  
8 developed and sells a fentanyl spray called Subsys that has  
9 been approved by the FDA for certain medical uses.

10 They are charged with engaging in a racketeering  
11 conspiracy through bribes, fraud, and the illicit  
12 distribution of Subsys. Those of you who are chosen as  
13 jurors in this case will be told later what the precise  
14 charge is and what the government has to prove beyond a  
15 reasonable doubt in order for you to convict the defendants.

16 But I want to emphasize that the charges in this  
17 case are only accusations. They are not evidence of guilt.  
18 The defendants have all pleaded not guilty and are presumed  
19 innocent unless and until the government proves their guilt  
20 beyond a reasonable doubt as determined by a unanimous jury.  
21 These two concepts, the presumption of innocence and the  
22 requirement of proof beyond a reasonable doubt, are bedrock  
23 principles of our system of justice and are fundamental  
24 rights, not just of the defendants in this case, but of all  
25 people in this country.

1           Many of you are probably nervous or at least  
2           curious about the possible commitment of time that may be  
3           required of you if you're selected. Let me talk about that  
4           next. The lawyers expect this case will take about 14 weeks  
5           to try. We will generally sit from 10 in the morning until 4  
6           in the afternoon with a lunch break and a short afternoon  
7           break.

8           On some days, and my guess is that would be at  
9           least one time per week, we'll sit from 9 in the morning  
10          until 1 in the afternoon with a short morning break. Had you  
11          seen the video you would have already heard about the  
12          importance of jury service. Since you haven't seen the  
13          video, I'm going to expand on that. Even if you had seen the  
14          video, I would still have expanded on it.

15          The jury system goes back at least 800 years to  
16          England and the time of the middle ages. Although much has  
17          changed since then, the idea is essentially the same. No  
18          person can be convicted of a serious crime except upon  
19          unanimous vote of a jury made up of ordinary citizens. The  
20          founders of our nation believed the right to a jury was so  
21          important they put it in the Constitution and the Bill of  
22          Rights.

23          Juries have always been composed of ordinary  
24          citizens taken from all walks of life each of whom brings  
25          their own individual perspective and life experience to the

1 table. You don't have to have any particular education. You  
2 don't have to have any particular experience. What is truly  
3 important is that you take your responsibilities seriously,  
4 and that you exercise your authority to the best of your  
5 ability.

6 The quality of justice in the United States depends  
7 and has always depended on the good judgment and common sense  
8 of ordinary citizens. Trial by jury is not necessarily the  
9 most efficient way to decide whether someone should be  
10 convicted of a crime. In some ways it's old-fashioned. But  
11 there are things more important than efficiency, and  
12 protections of our rights is one of them. We enjoy a great  
13 many rights and freedoms in this country, and probably some  
14 of us take them for granted from time to time. Sometimes we  
15 have to be reminded what those rights are and why they're  
16 important.

17 The jury is one of our most basic protectors of our  
18 freedom. It is fundamental to our system of justice. It is  
19 both an obligation of citizenship and an honor and privilege  
20 to serve. If you're selected to serve, I hope you will  
21 exercise your duties responsibly, solemnly and in accordance  
22 with the law. You should not, however, assume that your  
23 service will be burdensome. I speak to all jurors at the end  
24 of every case, and I am told more times than you can imagine  
25 how many jurors find out that this turns out to be one of the



1 most interesting and rewarding experiences of their lives.

2 I now want to tell you how we're going to go about  
3 selecting a jury. The parties have a right to a jury in this  
4 case that can sit and decide this matter fairly and  
5 impartially. That is, both parties are entitled to a jury  
6 that does not have its mind made up one way or another about  
7 any issues in this case before they hear the evidence and  
8 have been instructed by me to begin deliberations.

9 We're looking for jurors who will hear the evidence  
10 in this case and decide its outcome without bias in favor of  
11 or prejudice against either side, any witness, or any  
12 material matter, and who will base any verdict in this case  
13 on the evidence presented during the course of the trial and  
14 the law as I give it to you and not on anything you may have  
15 heard or read or experienced outside the courtroom.

16 As I mentioned, this case involves an alleged  
17 racketeering conspiracy involving a prescription fentanyl  
18 spray called Subsys. Fentanyl is an opioid. The issue here  
19 is not whether you like or dislike or have any particular  
20 views about opioids. The issue is whether you can fairly and  
21 impartially determine whether the government has proved that  
22 any of these defendants have violated the criminal  
23 racketeering or RICO statute as alleged in the indictment.

24 Your job, if you're selected for jury service in  
25 this case, will be to decide the case based on the evidence

1 admitted in the case and the law as I give it to you. The  
2 purpose of this jury selection is to find a jury that can do  
3 that. It is a fundamental principle of our justice system  
4 that the defendants are presumed to be innocent, and our  
5 purpose today is to select a jury that comes to this trial  
6 without any bias as to either side and who will decide this  
7 case fairly based solely on the evidence presented during the  
8 course of the trial and the law as I explain it to you.

9 To try and attain this fair jury we have a  
10 selection process that we're going to begin today. Today you  
11 will fill out a written questionnaire that will be passed out  
12 to you as soon as I finish up here. There will then likely  
13 be followup questions in person next week. This process is  
14 not meant to be intrusive. Its important purpose is to  
15 ensure that the parties have a fair and impartial jury to  
16 hear this case.

17 Your answers to both the written questionnaire  
18 today and my followup questions next week must be under oath.  
19 In other words, you have to swear that the answers that you  
20 give today or in person are truthful. It's very important  
21 that you give truthful responses. So I'm going to ask Karen  
22 to please swear you in, and we'll begin the jury selection  
23 process.

24 THE CLERK: Can you all please stand and raise your  
25 right hand.

1 (JURY PANEL duly sworn by the Deputy Clerk.)

2 THE CLERK: Thank you. You may be seated.

3 THE COURT: What I'm going to do first is I'm going  
4 to ask each of the lawyers to identify him or herself, the  
5 firm that they work for, and to tell you who they represent.  
6 Once they have done that, I'm going to ask if any of you know  
7 any of the lawyers or have been represented by them or by  
8 their law firms.

9 All right. Do you want to start? We had another  
10 group this morning. They complained they couldn't hear in  
11 the back of the room unless they were speaking in the  
12 microphone. That's why they're coming up here.

13 MR. WYSHAK: Good afternoon. My name is Fred  
14 Wyshak. I'm an Assistant U.S. Attorney representing the  
15 government in this case.

16 MR. LAZARUS: Good afternoon again. My name is  
17 David Lazarus. I'm also an Assistant United States Attorney  
18 representing the United States in this case.

19 MR. YEAGER: Good afternoon. My name is Nat  
20 Yeager. I'm an Assistant United States Attorney.

21 THE COURT: All these microphones. I feel like I'm  
22 in the White House.

23 MS. WILKINSON: I'm glad you're not. Good  
24 afternoon. I'm Beth Wilkinson, and I represent Dr. Kapoor.  
25 And I'm at my own firm called Wilkinson Walsh and Eskovitz.

1 MR. STOJILKOVIC: Good afternoon. My name again is  
2 Kosta Stojilkovic, and I'm at the same firm of Wilkinson  
3 Walsh Eskovitz representing Dr. Kapoor.

4 MR. KATZ: Good afternoon. I'm Aaron Katz also  
5 representing Dr. Kapoor. I'm with the law firm of Ropes &  
6 Gray.

7 MR. TYRRELL: Good afternoon again. My name is  
8 Steven Tyrrell. I'm a partner at the law firm of Weil,  
9 Gotshal & Manges. And I'll be joined in representing  
10 Mr. Simon by my partner at the law firm Patrick O'Toole.

11 MS. MINER: Good afternoon. My name is Tracy  
12 Miner. I work at the law firm of Demeo LLP. And my  
13 associate Megan Siddall may be here from time to time during  
14 the trial as well.

15 MS. GLIGA: Good afternoon. My name is Alexandra  
16 Gliga and together with Michael Kendall from White & Case  
17 case we represent Joseph Rowan.

18 MR. HORSTMANN: Good afternoon. My name is Pete  
19 Horstmann. I represent Sunrise Lee. And I may be joined  
20 from time to time by Anthony Manieri who is also an attorney.

21 THE COURT: Okay. Now, could you please raise your  
22 hand if you think that you know any of these lawyers, anyone  
23 from the U.S. Attorney's Office, or you've worked with the  
24 U.S. Attorney's Office or anyone been represented or know  
25 anyone at their law firms. Okay. One, two, three, four.

1     Okay. The four of you, I want you to remember that you  
2     raised your hands. When this is over as the others start  
3     filling out the questionnaires, I'll talk to you up here in a  
4     minute.

5             Is your hand still raised? Different question or  
6     same question?

7             THE JUROR: Same question.

8             THE COURT: I should say put your hands down. Just  
9     remember that you raised them. Once we've all talked to  
10    those four parties that raised their hands, you will fill  
11    out -- we're going to leave you, and you will fill out  
12    questionnaires. A few words about the questionnaires. The  
13    first two pages are instructions about how to fill out the  
14    questionnaire. Please read the instructions.

15            Here's a summary of the instructions for you. You  
16    need to fill out the form without consulting anyone. If you  
17    don't know the answer to a question, don't understand it or  
18    are for some reason uncomfortable answering the question, you  
19    should note that on the form. You need to write legibly and  
20    only on the front page -- only on the front side of each  
21    page.

22            There's a blank page at the end in case you don't  
23    have enough room for one of the questions on the form. If  
24    you go over to that back page, that blank back page, make  
25    sure you put the question number you're responding to so we

1 can see which question it is that you followed on that extra  
2 page. Once you've answered all the questions, you'll see  
3 there's a place for you to sign and date the form. That's a  
4 certification that you answered the questions honestly and to  
5 the best of your ability.

6 Some of the questions have to do with your ability  
7 to serve on a jury for a case this long and whether it would  
8 be a hardship. We understand that jury service can be an  
9 inconvenience. A hardship is something well beyond an  
10 inconvenience.

11 Once you finish the form, you'll give it back to  
12 Jim or one of his people. They have or will give you  
13 instructions about whether to call in to see when you need to  
14 come back to the courthouse. They're here to help you. So  
15 if you have any questions when you're filling out the form,  
16 just ask them. I'm sure they'll be able to help you out. We  
17 will see most of you next week.

18 Those of you who are selected for this jury, will  
19 soon figure out that every time I speak to you, the parties  
20 get a chance to tell me what I have said wrong or misspoken  
21 or otherwise screwed up. So anything?

22 MR. LAZARUS: No, Your Honor.

23 THE COURT: Okay. Those four that raised their  
24 hand, come on up. The rest of you, the questionnaires are  
25 going to be passed out. I want to thank you all for coming,

1 and we'll see you again next week.

2 MR. LAZARUS: Your Honor, I did notice that the  
3 individual we discussed before did not stand or take the  
4 oath.

5 THE COURT: I noticed the exact same thing.

6 MR. LAZARUS: Because of that, we would move for  
7 cause.

8 THE COURT: Will you figure out his number and let  
9 him go?

10 THE CLERK: Yes.

11 THE COURT: Come on up. Do you have your juror  
12 number handy, that piece of paper. Let's see. This is  
13 101840803. Okay. You raised your hand because you know  
14 someone or have been represented.

15 THE JUROR: My girlfriend four years ago I think  
16 worked at Ropes & Gray.

17 THE COURT: Your girlfriend works for Ropes & Gray,  
18 four years ago worked for Ropes & Gray or your girlfriend of  
19 four years ago?

20 THE JUROR: No. Currently my girlfriend. I think  
21 she worked at Ropes & Gray. I can't remember exactly. She  
22 worked at two law firms in Boston.

23 THE COURT: Does she still work for Ropes & Gray?

24 THE JUROR: No.

25 THE COURT: Does she still work at a law firm?

1 THE JUROR: No.

2 THE COURT: What does she do now?

3 THE JUROR: She works at a private school in New  
4 Hampshire.

5 THE COURT: What is she doing?

6 THE JUROR: Admissions.

7 THE COURT: Based on your conversations with her,  
8 do you have any strong feelings about Ropes & Gray one way or  
9 the other?

10 THE JUROR: No.

11 THE COURT: If you're selected as a juror in this  
12 case, could you refrain from talking to her about Ropes &  
13 Gray?

14 THE JUROR: Yes.

15 THE COURT: You can step back. He's fine.

16 Can I copy down your number? 101833346. You  
17 raised your hand because you know any these lawyers or their  
18 law firms?

19 THE JUROR: Well, "know" is probably too strong a  
20 word, but I'm familiar with two of the attorneys. I don't  
21 even know if we've ever met. Attorney Miner and also  
22 Attorney Kendall. And so I don't even know if we've ever met  
23 in person, but I know that I have emailed with both of them  
24 in my professional capacity.

25 THE COURT: What is your profession?



1 THE JUROR: I am a law professor at Boston College.

2 THE COURT: What do you teach out of curiosity?

3 THE JUROR: In the criminal law field.

4 THE COURT: As long as I have you standing here,  
5 let me just ask you, is there anything about -- you're  
6 obviously familiar with parts of this process.

7 THE JUROR: Yes.

8 THE COURT: Do you have any reservations about  
9 sitting as a fair and impartial juror in this case?

10 THE JUROR: No.

11 THE COURT: Is there anything about your dealings  
12 with Ms. Miner and Mr. Kendall that leaves you predisposed to  
13 accept their credibility without analysis or reject their  
14 credibility without analysis?

15 THE JUROR: No.

16 THE COURT: Thanks very much. You can step back as  
17 well. She's okay. Next.

18 Can I copy down your juror number? So this is  
19 101832206. And you raised your hand as knowing one of these  
20 lawyers or their law firms.

21 THE JUROR: A friend from elementary school is a  
22 partner at Ropes & Gray.

23 THE COURT: That means they were your friend in  
24 elementary school or still are your friend?

25 THE JUROR: Still is.

1 THE COURT: An old friend of yours is --

2 THE JUROR: We don't like to characterize ourselves  
3 as old.

4 THE COURT: A longstanding friend.

5 THE JUROR: Longstanding friend, right.

6 THE COURT: That is why everybody likes to talk to  
7 me after I talk. I have all these corrections that need to  
8 be made by my inartfully phrasing things. How close a  
9 friend? I know longstanding but how close?

10 THE JUROR: I don't know. Maybe, our families, we  
11 grew up together. We've played together.

12 THE COURT: How often do you see each other now?

13 THE JUROR: Now not that often. Only if something  
14 is a major family event like if somebody in the family is  
15 being honored.

16 THE COURT: And how often do you speak?

17 THE JUROR: Rarely.

18 THE COURT: What's the partner's name?

19 THE JUROR: Larry Rowe.

20 THE COURT: Is there anything about your  
21 relationship with him that would make you give more  
22 credibility to something that came out of the mouth of a  
23 Ropes & Gray lawyer than it would out of any other defense  
24 lawyer or government lawyer?

25 THE JUROR: I don't think so, no.

1 THE COURT: Okay. You can step back.

2 MR. WYSHAK: Fine.

3 MR. KATZ: Fine.

4 THE COURT: Here's this.

5 This morning four people raised their hand and they  
6 turned into 11. Four people raised their hand here and  
7 stopped right at four.

8 THE JUROR: That's pretty good.

9 THE COURT: 104846957. And you raised your hand  
10 because you know one of these people or their law firms?

11 THE JUROR: I do not. I know the firms. I work at  
12 an investment fund. We do hire these firms to represent us  
13 as creditors. I've also dealt with them also on the other  
14 side as debtors but nothing in the criminal capacity.

15 THE COURT: Is there anything about your  
16 relationship with any of the law firms here that would make  
17 you give more credence to something that came out of one of  
18 these people's mouths or that would make you more skeptical  
19 about something because of your interactions with the firms?

20 THE JUROR: No, it would not.

21 THE COURT: Do you want to know which firms he's  
22 referring to?

23 MR. TYRRELL: Yes.

24 THE JUROR: Ropes & Gray, we have a retainer to  
25 review credit agreements and bond indenture. And White &

1 Case, I spoke to them yesterday about a potential  
2 representation in a creditor matter is really what that  
3 relates to.

4 THE COURT: When you had these conversations with  
5 these law firms, are you the one that has the conversations?

6 THE JUROR: Yes.

7 THE COURT: Are you retaining White & Case for that  
8 matter?

9 THE JUROR: No. We're leaning towards another one.  
10 Anyway.

11 THE COURT: Is Ropes & Gray currently representing  
12 you on something?

13 THE JUROR: Personally in my particular area of  
14 coverage, no. But at Eaton Vance where I work, they are  
15 constantly involved in various matters. We have them on  
16 retainer for deals that they come to review from a legal  
17 standpoint, having outside counsel review deals.

18 THE COURT: You can step back.

19 MR. WYSHAK: I think we have to challenge him.

20 THE COURT: I think that's fair. He's gone.  
21 So you'll get his number.

22 THE CLERK: Yes.

23 THE COURT: While we're still here on the record,  
24 who is taking responsibility for the witness list?

25 MR. YEAGER: Do you want to combine those? I'm

1 happy to do that.

2 THE COURT: It would be nice to have a combined  
3 one. We'll make people give them back after we talk to them.  
4 We don't need 300 of them. If you can put together a list  
5 we'd be happy to copy it. But it would be great if somebody  
6 else would put together the list.

7 MR. YEAGER: We're happy to put it together.

8 THE COURT: What about the voir dire questions?

9 MS. WILKINSON: Maybe we should review and meet and  
10 confer.

11 THE COURT: Do you want to come up to the courtroom  
12 this afternoon? Is that the most efficient way to do it?

13 MS. MINER: We haven't had a chance to review it.

14 THE COURT: Do you want to come back at 4? Do you  
15 want to do it by email?

16 MS. WILKINSON: I think email if we could.

17 MR. WYSHAK: That's fine. They looked good to me.  
18 They're pretty rote.

19 MS. WILKINSON: If Mr. Wyshak asserts that, I can't  
20 see how we could have any objections.

21 THE COURT: To be fair to Mr. Wyshak, many of them  
22 come from Facteau and Fabian. So they have been vetted by  
23 both sides of the world. And you are going to give Karen 50  
24 names for Tuesday by 2:00 tomorrow?

25 Just include them if there's a dispute as well.

1 Don't feel like you need to pick 50 clean names. Just pick  
2 the first 50 that you haven't agreed can be struck, and then  
3 we'll sort it out as we go.

4 MR. WYSHAK: You want the names that we've agreed  
5 should go for cause or have made the cut?

6 THE COURT: How about both? At some point I want  
7 the ones for cause because I want to check them against my  
8 list and see if I agree with you. I assume I will because  
9 this is both sides of the coin. If you guys can agree they  
10 should be struck, they probably should be. At some point  
11 I'll go over that list. If I disagree with you I will bring  
12 that person in the next day. What's really important for me  
13 right now is she get 50 names by mid day tomorrow to bring in  
14 Tuesday.

15 MR. LAZARUS: That's the first 50 names, Your  
16 Honor, that we don't all agree should be struck going down  
17 the list?

18 THE COURT: Yes. Anything else for today?

19 MS. WILKINSON: No.

20 THE COURT: I'll be around all afternoon. So if  
21 anything comes up.

22 MS. WILKINSON: We'll go straight back and look.  
23 Should we just email Karen if we think we need to come over?

24 THE COURT: I'm hoping to work from home tomorrow,  
25 but I can come in. I'm around at least in the morning. The

1 afternoon is a little more challenging for me.

2 MS. WILKINSON: I don't think we will have anything  
3 that we can't work out.

4 THE COURT: Tuesday morning we're going to get a  
5 second courtroom, but we'll all meet in my courtroom like  
6 around 9 or 9:15.

7 MS. WILKINSON: Your Honor, Mr. Kendall is not  
8 here, but he did want to talk about time limits.

9 THE COURT: He's concerned about time limits with  
10 this criminal case?

11 MS. WILKINSON: I don't know exactly why.

12 MS. MINER: I think it's the opposite. I think he  
13 wants time limits.

14 MS. WILKINSON: Yes. He wants time limits.

15 THE COURT: He wants time limits. That could come  
16 back and bite him. I'm not inclined to impose time limits  
17 unless I feel it's out of hand. This is a criminal case.  
18 They have the burden. You have significant rights at issue.  
19 So I am inclined to give everybody as much time as they need  
20 unless we have an issue.

21 MS. WILKINSON: Thank you, Your Honor.

22 THE COURT: I'm always happy to talk.

23 (Court recessed at 1:58 p.m.)  
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25

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CERTIFICATION

I certify that the foregoing is a correct  
transcript of the record of proceedings in the above-entitled  
matter to the best of my skill and ability.

/s/ Joan M. Daly

January 20, 2019

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Joan M. Daly, RMR, CRR  
Official Court Reporter

\_\_\_\_\_  
Date